

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

CARRIE TEAGER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
BUDZIK & DYNIA, LLC,	)	
	)	
Defendant.	)	

**COMPLAINT**

**INTRODUCTION**

1. Plaintiff Carrie Teager brings this action to secure redress from unlawful credit and collection practices engaged in by defendant Budzik & Dynia, LLC. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”).

2. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

**VENUE AND JURISDICTION**

3. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA) and 28 U.S.C. §§1331, 1337 and 1367.

4. Venue and personal jurisdiction in this District are proper because:

- a. Defendant’s collection communications were received by plaintiff within this District; and
- b. Defendant is located within this District.

**PARTIES**

5. Plaintiff Carrie Teager is an individual who resides in the Northern District of Illinois.

6. Defendant Budzik & Dynia, LLC is a law firm organized as an Illinois limited liability company. Its principal place of business is located at 4849 N. Milwaukee Avenue, Ste. 801, Chicago, IL 60630-2680.

7. Budzik & Dynia, LLC regularly uses the mails and telephone to collect consumer debts originally owed to others. Budzik & Dynia, LLC states on its web site (<http://www.budzikdynia.com/Practice-Areas/>) that "Our lawyers represent creditors in all phases of collection activities and recovery of assets on consumer-related receivables, including retail, bank and bankcard."

8. Budzik & Dynia, LLC is a debt collector under the FDCPA.

### **FACTS**

9. Defendant has been attempting to collect from plaintiff an alleged debt incurred for personal, family or household purposes and not for business purposes.

10. Plaintiff received the following telephone messages from defendant:

a. November 9, 2010:

322-1295. Thank you. Hello, this important call is only for Carrie Teager. It is regarding a personal business matter. It is important that we speak with you today. Press the "9" key now to connect with a representative or please call us back at 888 322-1295. Thank you.

b. November 11, 2010:

322-1295. Thank you. Hello, this important call is only for Carrie Teager. It is regarding a personal business matter. It is important that we speak with you today. Press the "9" key now to connect with a representative or please call us back at 888 322-1295. Thank you.

c. November 11, 2010:

322-1295. Thank you. Hello, this important call is only for Carrie Teager. It is regarding a personal business matter. It is important that we speak with you today. Press the "9" key now to connect with a representative or please call us back at 888 322-1295. Thank you.

d. November 13, 2010:

322-1295. Thank you. Hello, this important call is only for Carrie Teager. It is regarding a personal business matter. It is important that we speak with you today. Press the "9" key now to connect with a representative or please call us

back at 888 322-1295. Thank you.

e. November 17, 2010:

Hi, this message is for Mrs. Teager. Carrie Teager, this is Ms. Polato calling from the law firm of attorneys Budzik & Dynia. If you would please return the call. The number you would need to reach via reference to a time sensitive matter is 888 322-1295 and my extension is 35, please.

f. November 26, 2010:

322-1295. Thank you. Hello, this important call is only for Carrie Teager. It is regarding a personal business matter. It is important that we speak with you today. Press the "9" key now to connect with a representative or please call us back at 888 322-1295. Thank you.

g. November 29, 2010:

322-1295. Thank you. Hello, this important call is only for Carrie Teager. It is regarding a personal business matter. It is important that we speak with you today. Press the "9" key now to connect with a representative or please call us back at 888 322-1295. Thank you.

h. December 30, 2010:

322-1295. Thank you. Hello, this important call is only for Carrie Teager. It is regarding a personal business matter. It is important that we speak with you today. Press the "9" key now to connect with a representative or please call us back at 888 322-1295. Thank you.

11. The number 888-322-1295 is issued to defendant.

**COUNT I – FDCPA**

12. Plaintiff incorporates paragraphs 1-11.

13. Each telephone message was a "communication" within the meaning of 15

U.S.C. §§1692d(6) and 1692e. *Ramirez v. Apex Financial Mgmt., LLC*, 567 F.Supp.2d 1035

(N.D.Ill. 2008); *Foti v. NCO Financial Systems*, 424 F.Supp.2d 643, 669 (S.D.N.Y. 2006);

*Hosseinzadeh v. M.R.S. Associates, Inc.*, 387 F.Supp.2d 1104, 1112, 1118 (C.D.Cal. 2005);

*Joseph v. J. J. MacIntyre Cos.*, 281 F.Supp.2d 1156 (N.D.Cal. 2003); *Stinson v. Asset*

*Acceptance, LLC*, 1:05cv1026, 2006 WL 1647134, 2006 U.S. Dist. LEXIS 42266 (E.D. Va.,

June 12, 2006); *Belin v. Litton Loan Servicing, LP*, 8:06-cv-760-T-24 EAJ, 2006 U.S. Dist.

LEXIS 47953 (M.D.Fla., July 14, 2006); *Leyse v. Corporation Collection Servs.*, 03 Civ. 8491,

2006 U.S. Dist. LEXIS 67719 (S.D.N.Y. Sept. 18, 2006).

14. The telephone message described in paragraph 10e violated 15 U.S.C. §1692e(11), in that it did not contain the warning required by that section.

15. All of the other telephone messages described above violated both 15 U.S.C. §1692e(11) and 15 U.S.C. §1692d(6), in that the messages did not identify defendant or contain the e(11) warning. See *Hosseinzadeh v. M.R.S. Associates, Inc.*, 387 F.Supp.2d 1104, 1112, 1118 (C.D.Cal. 2005); *Wright v. Credit Bureau of Georgia, Inc.*, 548 F.Supp. 591, 593 (N.D.Ga. 1982); *Valencia v. Affiliated Group, Inc.*, 07-61381, 2008 U.S. Dist. LEXIS 73008 (S.D.Fla., Sept. 23, 2008).

16. 15 U.S.C. §1692d(6) makes it unlawful for a debt collector to engage in the following conduct: “Except as provided in section 1692b of this title, the placement of telephone calls without meaningful disclosure of the caller's identity.”

17. Section 1692e provides:

**§ 1692e. False or misleading representations [Section 807 of P.L.]**

**A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .**

**(11) The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action. . . .**

WHEREFORE, the Court should enter judgment in favor of plaintiff and against defendant for:

- (1) Statutory damages;
- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other and further relief as the Court deems proper.

s/Daniel A. Edelman

Daniel A. Edelman  
Michelle R. Teggelaar  
EDELMAN, COMBS, LATTURNER  
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(312) 739-4200  
(312) 419-0379 (FAX)

**NOTICE OF LIEN AND ASSIGNMENT**

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

s/Daniel A. Edelman

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